

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7449**

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TIMOTHY D. KING-EL,

Plaintiff - Appellant,

versus

SERGEANT KIMBLE; OFFICER CARLYLE; OFFICER  
HINSON,

Defendants - Appellees,

and

M. POLK, Deputy Warden; R. C. LEE, Warden,

Defendants.

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Appeal from the United States District Court for the Eastern  
District of North Carolina, at Raleigh. James C. Fox, Senior  
District Judge. (CA-02-118-5-CT-F)

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Submitted: November 19, 2003

Decided: December 5, 2003

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Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Timothy D. King-El, Appellant Pro Se. James Philip Allen, OFFICE  
OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina,  
for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Timothy D. King-El appeals the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised King-El that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, King-El failed to object to the magistrate judge's recommendation.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). King-El has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED